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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN THE MATTER OF)
)
AMENDMENT OF PART 90 OF THE) PR DOCKET NO. 92-210
COMMISSION'S RULES GOVERNING)
EXTENDED IMPLEMENTATION PERIODS) RM 7974
)

TO: THE COMMISSION

REPLY COMMENTS OF EDS CORPORATION

EDS Corporation ("EDS"), by its attorneys, hereby files its reply to the initial comments filed in response to the Notice of Proposed Rulemaking ("Notice") issued October 13, 1992, in the above-captioned proceeding. In the Notice, the Commission proposes to modify the rules governing "slow growth" private land mobile systems using frequencies above 800 MHz.

In its initial comments, EDS supported the Commission's proposals (1) to lengthen from three years to five years the possible time period for constructing and placing into operation large and complex communications systems, and (2) to eliminate the currently-effective annual reporting requirement for slow growth licensees. Eleven other parties also filed comments, the majority of whom supported the Commission's proposals. Several of the parties filing in support of the Commission's proposals also sought clarification that the loading requirement for slow growth systems is 70 mobiles per channel (not 100 mobiles per channel) and that the Commission would allow slow growth

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licensees to modify their implementation schedules flexibly upon submission of an appropriate justification.^{1/} EDS supports the clarifications requested by these commenters.

Although the Associated Public-Safety Communications Officers, Inc. ("APCO") opposes the lengthening of the slow growth period from three years to five years, EDS also supports APCO's comments in part. APCO explains that SMRs recently have been applying in large numbers for 800 MHz channels in the speculative hope of building wide-area trunked SMR systems and, thereby, have been increasing the congestion in the already crowded 800 MHz band. APCO is concerned that this increased congestion will lead more SMRs to seek channels in the Public Safety Pool pursuant to interservice sharing and that frequencies may not be available to public safety agencies when they are needed.

EDS does not support a ban on intercategory sharing as proposed by APCO. EDS, however, recognizes APCO'S concerns that the "land rush" mentality of the SMRs, when combined with the proposed extension of the slow growth period, might exacerbate the congestion in the 800 MHz frequencies and foreclose the future use of the frequencies above 800 MHz by non-SMRs. The Commission should not modify its slow growth rules in such a way as to allow SMRs to hoard spectrum allocated to non-commercial use. EDS proposes, therefore, that SMRs not be allowed to apply

^{1/} See comments filed by Southern California Edison Company, Texas Utilities Electric company, and Delmarva Power Company.

for slow growth licenses using channels in any non-SMR pool, including the Industrial/Land Transportation or Business Radio pools, as well as the Public Safety pool. Adoption of such a proposal would prevent SMRs from engaging in speculative activities that would harm other categories of users while still allowing SMRs to apply for slow growth systems using the frequencies specifically allocated to them.

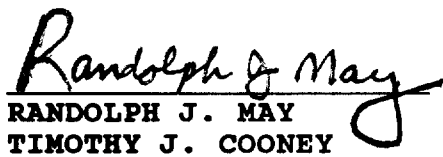
The continued availability of private land mobile spectrum for "purely private," non-commercial users must not be compromised.^{2/} Historically, spectrum allocated to private, non-commercial use has provided businesses the flexibility to use radio communications in innovative ways to enhance their competitiveness in both the domestic and world marketplaces. For example, EDS, its corporate parent General Motors Corporation ("GM"), and their affiliates have used the private land mobile spectrum for decades to satisfy on a cost-effective basis the unique communications needs of the heavy industrial plant environment of GM as well as the various other environments in which GM and EDS operate their businesses. Unlike SMRs or common carrier systems which must be engineered to satisfy the least common denominator of their potential customer bases, "purely private" non-commercial users like EDS and GM can and do customize their systems to meet the unique service and/or geographic coverage requirements of their companies' businesses.

^{2/} See Comments of EDS Corporation, NTIA Docket No. 920532-2132, October 1, 1992; Comments of EDS Corporation, ET Docket No. 92-9, June 8, 1992.

Encouraging SMRs in any way to hoard available private land mobile spectrum based on their speculative assumptions on the future need for wide-area trunked systems would not serve the efficiency and productivity interests of this country's industrial manufacturing base. In fashioning its proposed rules in this proceeding, therefore, the Commission should prohibit SMRs seeking slow growth authorizations from applying for channels in any non-SMR pool.

Respectfully submitted,

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DECEMBER 14, 1992

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CERTIFICATE OF SERVICE

I, M. Inez Jubien, do hereby certify that true and correct copies of the foregoing document, "Reply Comments Of EDS Corporation," filed in the matter of Amendment of Part 90 Of The Commission's Rules Governing Extended Implementation Periods, in PR Docket No. 92-210, RM 7974, on behalf of EDS Corporation, were served by First Class United States Mail, postage prepaid, or hand delivered, this 14th day of December 1992, on the following:

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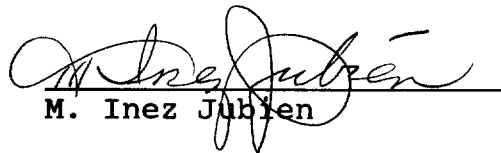
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